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09/932,662	08/17/2001	Yuichiro Deguchi	SONI-7600	4569

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Valley Oak Law  
5655 Silver Creek Valley Road  
#106  
San Jose, CA 95138

EXAMINER

THAI, CUONG T

ART UNIT	PAPER NUMBER
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2173

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4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/932,662

Applicant(s)

DEGUCHI, YUICHIRO

Examiner

CUONG T THAI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☒ Claim(s) 25 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### **PART III. DETAILED ACTION**

1. Claims 1-39 are presented for examination.

#### ***Claim Objections***

2. Claims 25 and 36 are objected to because of their dependency form:

Claim 25 is objected to because this claim is terminal claim structure. It can not depends on method claim 12. It is suggested that Applicant amend this claim depends on claim 21.

Claim 36 is objected to because it can not depends on itself. It is suggested that Applicant amend this claim depend on claim 30.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all obviousness rejections set forth in this Office action:

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9, 11-17, and 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Purnaveja et al. (USPN:6,230,172).

As per claims 1 (device) and 9 (method), Purnaveja anticipated discloses a virtual data marking device, comprising:

an input unit display configured to receive an input command to input a data mark is taught by Purnaveja as the technique of keyboard 114 is used by a user to input commands and other instructions to computer system 100 (see col. 5, lines 1-2), provide author module

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318 for designer to visually creating annotation (see col. 6, lines 46-47) including command buttons for designer quickly traverse video stream (see col. 6, lines 64-67); and

a display unit configured to display said input data mark in response to said input command is taught by Purnaveja as the technique of an author tool 700 provided by author module for designer to visually creating annotation streams (see col. 6, lines 45-47 and see Fig. 7).

These claims are therefore rejected for the reasons as set forth above.

As per claims 2 (device) and 11 (method), the limitation of includes a graphic representation corresponding to an input unit is taught by Purnaveja as the technique of textual and graphical elements to be displayed at predetermined time as defined by the time markers of the flipper stream (see col. 7, lines 37-39). These claims are therefore rejected for the reasons as set forth above.

As per claim 3, the limitation of marking device includes an electronic music marker device is taught by Purnaveja as the technique of VCR control applet (see col. 10 line 4). This claim is therefore rejected for the reason as set forth above.

As per claims 4 (device) and 12 (method), the limitation of circular in shape is taught by Purnaveja as the technique of VCR control applet (see col. 10 line 4). These claims are therefore rejected for the reason as set forth above.

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As per claims 5 (device) and 16 (method), the limitation of data mark include time stamp is taught by Purnaveja as the technique of each annotation frame includes an event time marker which corresponds to the time stamps (see col. 2, lines 64-65 and see Fig. 5). These claims are therefore rejected for the reason as set forth above.

As per claims 6 (device) and 15 (method), the limitation of display unit includes a graphical representation correspond to a display unit of data marking device is taught as the technique of graphical elements to be displayed at predetermined time as defined by the time markers of the flipper stream (see col. 7, lines 37-39). These claims are therefore rejected for the reasons as set forth above.

As per claim 7, due to the similarity of this claim to that of claim 3, this claim is therefore rejected for the same reasons applied to claim 3.

As per claim 13, the limitation of input indication step includes the step of operating an input device is taught by Purnaveja as the technique of within video window 720, CVR function buttons, a rewind button, a play button and a fast forward button are available for designer to quickly traverse video stream (see col. 6, lines 64-67). This claim is therefore rejected for the reason as set forth above.

As per claim 14, the limitation of input device includes one of a computer mouse, a keyboard and a touch sensitive pad is taught by Purnaveja as the technique of a keyboard

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controller 126 (see col. 4, lines 12-13). This claim is therefore rejected for the reason as set forth above.

As per claim 17, the limitation of storing time stamp information is taught by Purnaveja as the technique of designer may view frames from video stream 500 displayed in video window 720 for referencing and selecting appropriate time stamps to use in generating annotation stream (see col. 6, lines 61-64 and see Fig. 5). This claim is therefore rejected for the reason as set forth above.

As per claim 21, due to the similarity of this claim to the combination of claims 9 and 16-17, this claim is therefore rejected for the same reasons applied to claims 9 and 16-17.

As per claim 22, the limitation of wherein display includes one of a cathode ray tube, a liquid crystal display, a plasma display panel, a touch sensitive type display, and a projection type display is taught by Purnaveja as the technique of computer system 100 includes a display screen 104 (see col. 4, lines 7-8). This claim is therefore rejected for the reason as set forth above.

As per claim 23, due to the similarity of this claim to that of claim 14, this claim is therefore rejected for the same reasons applied to claim 14.

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As per claim 24, the limitation of wherein memory includes one or more of a RAM, a hard disk drive, a CD-RW driver, a zip driver, and a web page storage unit is taught by Purnaveja as the technique of RAM, ROM or a hard disk driver (see col. 4, lines 56-57). This claim is therefore rejected for the reason as set forth above.

As per claim 25, the limitation of controller is configured for controlling the operation of a display, an input unit, a memory and a clock is taught by Purnaveja as the technique of microprocessor 116 is a general purpose digital processor which controls the operation of computer system 100 (see col. 4, lines 19-20) and using instructions retrieved from memory, microprocessor 116 controls the receptions and manipulation of input data and the output data and display of data on output devices (see col. 4, lines 22-25). This claim is therefore rejected for the reason as set forth above.

As per claim 26, the limitation of controller is configured to retrieve stored data from memory and to store data in memory is taught by Purnaveja as the technique of using instructions retrieved from memory, microprocessor 116 controls the receptions and manipulation of input data and the output data and display of data on output devices (see col. 4, lines 22-25). This claim is therefore rejected for the reason as set forth above.

As per claim 27, the further limitation of including a communication port configured to connect to one or more external devices is taught by Purnaveja as the technique of network

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interface circuit 112 is used to send and receive data over a network connected to other computer systems (see col. 4, lines 62-63). This claim is therefore rejected for the reason as set forth above.

As per claim 28, the limitation of wherein said communication port includes one or more of a USB port, a parallel port, a serial port, an ethernet port, an IrDA port, and a Bluetooth enabled port is taught by Purnaveja as the technique of a POTS modem, ISDN or Ethernet (see col. 6, lines 12-13). This claim is therefore rejected for the reason as set forth above.

As per claim 29, the limitation of controller is configured to transmit and/or receive data to and/or from said one or more external devices via said communication port is taught by microprocessor 116 controls the receptions and manipulation of input data and the output data and display of data on output devices (see col. 4, lines 22-25) and network interface circuit 112 is used to send and receive data over a network connected to other computer systems (see col. 4, lines 62-63). This claim is therefore rejected for the reason as set forth above.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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6. Claims 8, 10, and 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentably over Purnaveja et al. (USPN:6,230,172) in view of Moezzi et al. (USPN: 5,850,352).

As per claims 8 (device) and 10 (method), Purnaveja discloses the invention substantially as claimed above. Purnaveja, however, does not disclose the limitation of input display unit and display unit form a three dimensional graphical representation.

Moezzi discloses the limitation of forming a three dimensional graphical representation as the technique of a full three dimensional model of the scene is created from the captured video (see col. 10, lines 21-23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Moezzi teaching of forming three dimensional model into that of Purnaveja's invention. By doing so, the system would be enhanced by capable of providing three dimensional representation to its end user.

As per claim 30, due to the mostly similarity of this claim to the combinations of claims 8-9 and 16-17 except for server terminal coupled to a connection, a user terminal coupled to the connection, wherein the user terminal is configured to transmit one or more data marks to server terminal, and server terminal is configured to retrieve and transmit information user terminal via that connection. The limitations of server terminal coupled to a connection, a user terminal coupled to the connection, wherein the user terminal is configured to transmit one or more data marks to server terminal, and server terminal is configured to retrieve and transmit information user terminal via that connection are taught by Purnaveja as the techniques of the VOD system includes a production station 210, a stream server 220, web server 230, and client computer 240 ;

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wherein stream server 220 and web server 230 are coupled to client computer via a computer network 290 (see col. 5, lines 21-27) for the microprocessor 116 controls the receptions and manipulation of input data and the output data and display of data on output devices (see col. 4, lines 22-25) and network interface circuit 112 is used to send and receive data over a network connected to other computer systems (see col. 4, lines 62-63). These claims are therefore rejected for the reasons as set forth above.

As per claim 31, the limitation of wherein connection includes an Internet connection is taught Purnaveja as the technique of stream server 220 and web server 230 are coupled to client computer via a computer network 290, e.g., the Internet (see col. 5, lines 25-27). This claim is therefore rejected for the reason as set forth above.

As per claim 32, the limitation of wherein said server terminal includes a storage unit for storing said information corresponding to said data marks and said received data marks is taught by Purnaveja as the technique of network interface circuit 112 is used to send and receive data over a network connected to other computer systems (see col. 4, lines 62-63) and the video, audio, and annotation packets are “pulled” by client computer 240 from server 220 using HTML “get” packets (see col. 8, lines 65-67). This claim is therefore rejected for the reason as set forth above.

As per claim 33, the limitation of user terminal further includes a speaker for outputting audible data is taught by Purnaveja as the technique of a similar format can be used to store and

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deliver a separate compressed audio stream. Audio encoder/decoders are available from a number of commercial sources (see col. 6, lines 22-27). This claim is therefore rejected for the reason as set forth above.

As per claim 34, due to the similarity of this claim to that of claim 23, this claim is therefore rejected for the same reasons applied to claim 23.

As per claim 35, due to the similarity of this claim to that of claim 16, this claim is therefore rejected for the same reasons applied to claim 16.

As per claim 36, due to the similarity of this claim to that of claim 17, this claim is therefore rejected for the same reasons applied to claim 17.

As per claim 37, due to the similarity of this claim to that of claim 24, this claim is therefore rejected for the same reasons applied to claim 24.

As per claim 38, due to the similarity of this claim to that of claim 27, this claim is therefore rejected for the same reasons applied to claim 27.

As per claim 39, due to the similarity of this claim to that of claim 28, this claim is therefore rejected for the same reasons applied to claim 28.

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7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentably over Purnaveja et al. (USPN:6,230,172) in view of Ditzik (USPN: 5,589,849).

As per claim 18, Purnaveja discloses the invention substantially as claimed above. Purnaveja, however, does not disclose the limitation of coupling displayed data marking device with a cradle display.

Ditzik discloses a cradle display as the technique of connecting to a display device cradle in which the display device sits (see col. 9, lines 49-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Ditzik's teaching of connecting to a display device cradle in which the display device sits into that of Purnaveja's invention. By doing so, the system would be enhanced by allowing the display screen to sit freely by itself.

8. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentably over Purnaveja et al. (USPN:6,230,172) in view of Ditzik (USPN: 5,589,849) and further in view of Moezzi et al. (USPN: 5,850,352).

As per claim 19, Purnaveja-Ditzik disclose the invention substantially as claimed above. Purnaveja-Ditzik, however, does not disclose the limitation of wherein cradle display includes a three dimensional graphical representation.

Moezzi discloses the missing limitation of three dimensional graphical representation as the technique of a full three dimensional model of the scene is created from the captured video (see col. 10, lines 21-23).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Moezzi teaching of forming three dimensional model into that of

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Ditzik's cradle display and further into that of Purnaveja-Ditzik combined. By doing so, the system would be enhanced by capable of providing three dimensional graphical representation attached to a cradle device to its end user.

9. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentably over Purnaveja et al. (USPN: 6,230,172) in view of Ditzik (USPN: 5,589,849) and further in view of Gupta et al. (USPN: 6,415,326).

As per claim 20, Purnaveja-Ditzik disclose the invention substantially as claimed above. Purnaveja-Ditzik, however, does not disclose the further limitation of animating said data mark within the data marking device.

Gupta discloses the limitation of animation step as the technique of video graphics or motion picture, animation, textual content, command script sequence or other media types that convey time varying information or content in a way that can be sensed and perceived by a human (see col. 3, lines 34-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Gupta teaching of animation step into that of Purnaveja-Ditzik combined invention. By doing so, the system would be enhanced by capable of providing animation tool to its end user.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider this reference fully when

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responding to this action. The document cited therein teach a method and a system for annotating of video structure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (703) 308-7234 through the month of October, 2004 and at (571) 273-4056 thereafter. The examiner can normally be reached on 8:00 am - 4:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116 through the month of October, 2004 and at (571) 273-4048 thereafter. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CUONG T THAI  
Examiner  
Art Unit 2173

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August 20, 2004.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

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